

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

JAMAUL KARRIM AZIZ,

Defendant.

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ORDER

No. 21-CR-00113

PHILIP M. HALPERN, United States District Judge:

The Court has reviewed Defendant's request for discovery (Doc. 30) and the Government's response thereto (Doc. 32). Defendant's requested discovery to probe the credibility and reliability of Lisa Ferdico, his co-defendant's mother, citing due process concerns in connection with a pretrial bail hearing, is not supported by relevant authority. Rather, "a detention hearing is not to serve as a mini-trial . . . or as a discovery tool for the defendant." *United States v. Martir*, 782 F.2d 1141, 1145 (2d Cir. 1986). Indeed, "[a] pretrial detention hearing . . . is neither a discovery device for the defense nor a trial on the merits. The process that is due is only that which is required by and proportionate to the purpose of the proceeding. That purpose includes neither a reprise of all the evidence presented before the grand jury . . . nor the right to confront non-testifying government witnesses." *United States v. Smith*, 79 F.3d 1208, 1210 (D.C. Cir. 1996).

The Government has produced the materials relied upon in seeking the Defendant's remand and filed its submission on the public docket. Additionally, the Defendant has been provided adequate procedural safeguards: he is represented by appointed counsel, has the ability to testify, has the right to proffer the testimony of others on his own behalf, and has the right to otherwise provide evidence on his own behalf. *See* 18 U.S.C. § 3142(f). Accordingly, the discovery requested by Defendant in connection with a pretrial bail hearing is denied.

The Courtroom Deputy will notify all parties of the date and time for the initial appearance and bail review hearing.

The Clerk of Court is respectfully requested to terminate the letter-motion (Doc. 30).

SO ORDERED:

Dated: White Plains, New York
March 30, 2021



Philip M. Halpern
United States District Judge